

AMENDMENTS TO THE DRAWINGS

The attached sheet of Drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3. In Fig. 3, the line extending from the numeral "110" has been extended to point to the appropriate element.

Attachment: **Replacement Sheet.**

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 15 January 2004. Responsive to the rejections made by the Examiner in the Official Action, Claim 1 has been amended and Claim 2 has been canceled to more clearly clarify the inventive concept of the Applicant.

The Examiner has objected to the Drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the reference numeral "152" not mentioned in the description. However, the Specification has now been amended to include "hole 152". It is not believed that this amendment constitutes the insertion of new matter, due to the fact that the hole is clearly described in the Specification as filed and is further shown, with the numeral 152, in the Drawings as originally filed.

The Examiner has further objected to the Drawings due to the fact that in Fig. 3, as originally filed, the line leading from reference number "110" does not extend fully to the "passage". A replacement sheet of Drawings for Fig. 3 with the line from "110" now extending to the "passage" is attached to this Amendment for the Examiner's approval.

Prior to a further discussion of the Examiner's objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application system in light of the inventive concept of the Applicant. The subject Patent Application system is directed to a separating fence. As shown in Fig. 1 of the Drawings, two posts 10 are provided, each having a rod 12 having a top sucking

member 13 and a bottom sucking member 14. Two sleeves 11 are mounted to each of the rods and each sleeve 11 includes two extensions 111 extending radially outward therefrom. A locking member 15 is pivotally connected between the two side walls of each of the extensions 111, with each locking member having a cam head and a lever connected to the cam head, with the cam head being pivoted in order to press the transverse tube to position the transverse tubes. Additionally, a U-shaped part having two legs is inserted in the open ends of the transverse tubes, with each transverse tube having a positioning member 23 mounted thereto and a bolt extending through a wall of the positioning member so as to press the leg of the U-shaped part in the open end of the transverse tube.

The Examiner has rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's disclosure, Figs. 6 and 7, labeled as Prior Art (Admission) in view of the Anderson Patent #4,528,768. It is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cam and lever system as taught by Anderson with the invention as disclosed by Admission for the quick release and secure attachment of the members, as these two structures were art-recognized equivalents at the time the invention was made.

The Anderson reference is directed to a fishing rod holder. If the threaded rod 24 is screwed into lever block 26, the camming head 36 attached to rod 24 is driven into the

interior of tubular member 12, thus depressing and deflecting tongue 32 into the interior of member 12 for engaging and locking a fishing rod handle 15, as shown in dotted lines in Fig. 5A. In order to release the rod handle 15 from the holder 10, the threaded rod handle 22 can be pushed upwardly in one smooth motion, and the threaded rod 24 acts as a lever to rotate the lever block 26 upwardly to its second or "open" position, as shown in Fig. 5B.

Though this reference is directed to a pivoting cam structure for locking a tubular member in place, the Anderson reference is directed to a fishing rod holder. The system of the subject Patent Application, and the prior art shown in Figs. 6 and 7 of the subject Patent Application Drawings, however, are directed to animal separating fences for vehicles. Though fences and fishing rods both include tubular elements, they are not from the same field of endeavor, nor are they from analogous art. Fishing rods and fences are entirely separate devices and there is no motivation to combine fishing rods and fences given in either the Anderson reference or suggested by the Examiner. The Anderson reference does not suggest a combination of the camming system with fence rods nor is it believed to be obvious to combine fishing rod systems and fence systems.

Additionally, the Anderson reference does not teach or suggest a separate positioning member for adjustably and lockably positioning a separate U-shaped rod part to the main rod structure. The system of the subject Patent Application system, however,

includes positioning member 24 allowing for the locking and adjustable positioning of the U-shaped parts 22 to the transverse tubes 21.

Thus, neither Admission nor the Anderson reference, when taken alone or in combination, provide for: "...a U-shaped part having two legs inserted in open ends of the transverse tubes, each transverse tube having a positioning member mounted thereto and a bolt extending through a wall of the positioning member so as to press the leg of the U-shaped part in the open end of the transverse tube...", as is clearly provided by amended Independent Claim 1.

Thus, based upon newly-amended Independent Claim 1, it is not believed that the subject Patent Application is obvious in view of Admission or the Anderson reference, when taken alone or in combination, when Independent Claim 1 is carefully reviewed.

The Examiner has additionally rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Admission as modified as applied to Claim 1 above, and further in view of the Mortenson Patent #5,167,246. It is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the sleeve and bolt extension with the U-shaped legs of Admission for securely fitting the members together with the ability for quick adjustment.

The Mortenson reference is directed to a rapidly erectable and strikeable shelter frame system and methods of erecting and striking such systems. As shown in the Figures, each end frame E comprises a pair of transversely spaced corner posts, generally

designated 10, made up of tubular upper members 10a which telescopically receive tubular lower members 10b; the latter having ground support feet 11 on their lower ends. Openings 12, provided in the portions 10b at vertically spaced intervals, receive set screws or spring retained pins 10c carried by a collar assembly 13, which is fixed on the lower end of each section 10a to provide means for adjusting the height of the post 10.

The Mortenson reference does not teach or suggest the use of cam-based locking members. However, the Examiner has combined the Mortenson reference with the Admission as modified by the Anderson reference as applied to Claim 1 above. However, as stated above, the Anderson reference is directed to a fishing rod holder. Fishing rod holders are entirely separate from animal separating fences for vehicles, as described in the subject Patent Application, and are not analogous art. As stated above, the Anderson reference does not suggest the combination of the fishing rod holder with a fence system, nor is it obvious to combine fences and fishing rod holders. The two are separate and distinct from one another and there is no motivation to combine the two systems.

Further, it is respectfully submitted that cam-based locking members are well-known in the art. It is further respectfully submitted that set screws for the adjustment of tubular elements are also well-known in the art. However, it is believed by the Applicant that it is the combination of the cam-based locking member with the set screw adjustment for the U-shaped tubes in an animal separating fence for vehicles that is novel.

Thus, neither Admission nor the Mortenson reference, when taken alone or in combination, provide for: "...a locking member pivotably connected between the two side walls of each of the extensions, each locking member having a cam head and a lever connected to the cam head, the cam head being pivoted to press the transverse tube to position the transverse tubes...", as is clearly provided by newly-amended Independent Claim 1.

Thus, based upon the newly-amended Independent Claim 1, it is not believed that the subject Patent Application is made obvious by either Admission or the Mortenson reference, when taken alone or in combination, when Independent Claim 1 is carefully reviewed.

The remaining references cited by the Examiner but not used in the rejection have been reviewed but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

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Responsive to Office Action Dated 15 January 2004

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Morton J. Rosenberg".

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Dated: 4/12/04

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